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15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO

18 MARK ELLIOTT,

19 Plaintiff,

20 v.

21 ADKNOWLEDGE, INC., a Delaware
corporation; and DOES 1 through 50,
22 inclusive,

23 Defendants.

CASE NO. 3:10-cv-01495 JSW

**STIPULATION FOR CONTINUANCE OF
THE TRIAL DATE AND ALL RELATED
DATES**

Courtroom: 11, 19th Floor
Judge: Hon. Jeffrey S. White

Trial Date: February 10, 2014

The parties to the above-referenced action, Plaintiff MARK ELLIOTT (“Plaintiff”) and Defendant ADKNOWLEDGE, INC. (“Defendant”), by and through their respective counsel, hereby stipulate and request that the Court continue the following dates:

1. Jury Trial currently set for February 10, 2014 to **March 17, 2014**, or such other date in the March 17, 2014 through April 7, 2014 time period as is convenient for the Court;

2. All other deadlines calendared in relation to the trial date shall be continued in accordance with the new trial date, the Court’s Local Rules, and the Court’s Standing Orders.

The parties’ request is made on the following grounds:

1. On February 22, 2013, the Court issued an order setting the following dates: Jury Trial on December 16, 2013; Jury Selection on December 11, 2013; and Pretrial Conference on November 25, 2013.

2. On August 29, 2013, the Court issued an order continuing the Jury Trial, Jury Selection, and Pretrial Conference as follows: Jury Trial on February 10, 2014; Jury Selection on February 5, 2014; and Pretrial Conference on January 13, 2014.

3. Defendant’s trial counsel has another trial which will conflict with the February 10, 2014 trial date. On February 18, 2014, the case of *Al Lahham et al. v. Serra Medical Transportation Company, Inc. et al.*, Case No. 3:12-cv-00355-CRB is set for trial in the United States District Court for the Northern District of California, before the Honorable Charles R. Breyer. Because trial of this matter is anticipated to last seven to ten court days, a conflict exists between this trial and the *Al Lahham* trial.

4. The parties request a trial date no earlier than March 17, 2014 because Defendant’s trial counsel have other trials scheduled for late February and early March. Defendant’s trial counsel has a trial scheduled to begin on February 24, 2014, also before the Honorable Charles R. Breyer in the United States District Court for the Northern District of California, the case of *Farrow et al. v. Kohl’s Department Stores, Inc.*, Case No. 3:12-cv-00820-CRB. Trial of the *Farrow* matter is anticipated to last five to seven court days.

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5. The parties have agreed to a short continuance of the trial date and all related dates in light of Defendant's trial counsel's scheduling conflict.

6. The parties believe the proposed scheduling changes will help allow this case to proceed in an orderly and efficient fashion.

7. Accordingly the parties respectfully request that the Court enter the Order jointly proposed by the parties.

DATED: September 12, 2013 PAYNE & FEARS LLP

By: /s/ Leila Narvid
LEILA NARVID

Attorneys for Defendant
ADKNOWLEDGE, INC.

DATED: September 12, 2013 LAW OFFICES OF PHIL HOROWITZ

By: /s/ Phil Horowitz
PHIL HOROWITZ
Attorneys for Plaintiff
MARK ELLIOTT

ATTESTATION OF E-FILED SIGNATURE

I, Leila Narvid, am the ECF User whose ID and password are being used to file this Stipulation For Continuance Of The Trial Date And All Related Dates. In compliance with General Order 45, X.B., I hereby attest that Phil Horowitz, Esq. has read and approved this Stipulation For Continuance Of The Trial Date And All Related Dates and consents to its filing in this action.

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